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REMARKS

Receipt of the Office Action of January 29, 2009 is gratefully acknowledged.

New claims 13 and 14 have been examined and finally rejected under 35 USC 102(e) over Hauhia, a previously cited reference. In addition, Claim "1" is rejected under 35 USC 101 "because the claimed invention is directed to non-statutory subject matter.

First, we address the rejection under 35 USC 101. Claim 1 has been cancelled, so it is assumed that the examiner is referring to claim 13. In this rejection the examiner states "[t]he claim [presumably claim 13] is rejected because the claim recites data exchange between radio devices, which implies signals. Signals cannot be claimed."

Signals are *not* being claimed., nor are "implied signals" being claimed. Data is exchanged and this data is evaluated . To exchange data and to conduct an evaluation based upon the exchanged data is proper subject matter . Accordingly, to the extent that this rejection applies to claim 13, it should be withdrawn.

Regarding the Hauhia patent, it was previously noted that it relates to device diagnostics in industrial processes comprising field devices employing a field bus. A remote diagnostics device (1) is placed in connection with the process device (2), separate from the field devices and the field bus. The remote diagnostics device comprises diagnostics electronics which collects diagnostics data relating to the process device, and a transmitter part for wireless (17) transmission of the diagnostics data to a nearby field device. The field device comprises a receiver part (41) for wireless (17) reception of the diagnostics data from said remote diagnostics device (1). A field device control unit (430) analyzes the received diagnostics data and transmits a diagnostics report over a field bus interface (44) and the field bus to a diagnostics computer.

This teaching does not meet the steps of claims 13 and 14. For example, the

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conducting and evaluating step is met, according to the examiner by the disclosure in claim 8 and col. 7, lines 20 - 50 of Hauhia. Applicant cannot agree. Claim 8 states "characterized in that the diagnostics data received from the remote diagnostics device (1) substantially consists of raw data, and that the field device is arranged to store and analyse the received diagnostics data to allow a processed diagnostics report to be produced." How does this recitation in claim 8 meet the step "conducting and evaluation of the state of the process by the aid of the exchanged data.... via the radio units...." recited in claim 13? It is not self evident from the two readings. Also, how is the disclosure in col. 7, lines 20 - 50, which does not mention exchange via radio units which are found in each field device, meet the step "conducting and evaluation of the state of the process by the aid of the exchanged data.....via the radio units...." recited in claim 13? It is not self evident from the two readings. Column 7 lines 20 - 50 relates to control based on valve movement. Note lines 36 - 38 of column 7 which states that "The microprocessor 430 also makes it possible to construct diverse diagnostics characteristics inside the valve controller." Most certainly, this has nothing to do with the steps of claim 13.

Reconsideration in view of the above is respectfully requested and claims 13 and 14 found allowable.

Respectfully submitted,

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